

**Proposed Substitute
Bill No. 1063**

LCO No. 5572

**AN ACT CONCERNING THE APPLICATION OF PESTICIDES ON
MUNICIPAL PARKS AND PLAYGROUNDS AND AUTHORIZING THE
USE OF CERTAIN MICROBIALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-231a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 As used in sections 10-231b to 10-231d, inclusive, [and section 19a-
4 79a,] (1) "pesticide" means a fungicide used on plants, an insecticide, a
5 herbicide or a rodenticide, but does not mean a sanitizer, disinfectant,
6 antimicrobial agent or pesticide bait in a tamper-resistant container, (2)
7 "lawn care pesticide" means a pesticide registered by the United States
8 Environmental Protection Agency and labeled pursuant to the federal
9 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
10 ornamental sites or areas. "Lawn care pesticide" does not include any:
11 (A) Microbial pesticide or biochemical pesticide that is registered with
12 the United States Environmental Protection Agency, (B) horticultural
13 soap or oil that is registered with the United States Environmental
14 Protection Agency and that does not contain any synthetic pesticide or
15 synergist, or (C) a pesticide classified by the United States
16 Environmental Protection Agency as an exempt material under 40 CFR
17 152.25, [and] (3) "integrated pest management" means use of all

18 available pest control techniques, including judicious use of pesticides,
19 when warranted, to maintain a pest population at or below an
20 acceptable level, while decreasing the use of pesticides, (4) "microbial
21 pesticide" means a pesticide that consists of a microorganism as the
22 active ingredient, and (5) "biochemical pesticide" means a naturally
23 occurring substance that controls pests by nontoxic mechanisms.

24 Sec. 2. (NEW) (*Effective October 1, 2015*) (a) As used in this section:

25 (1) "Pesticide" means a fungicide used on plants, an insecticide, a
26 herbicide or a rodenticide but does not mean a sanitizer, disinfectant,
27 antimicrobial agent or a pesticide bait in a tamper-proof container;

28 (2) "Microbial pesticide" means a pesticide that consists of a
29 microorganism as the active ingredient;

30 (3) "Biochemical pesticide" means a naturally occurring substance
31 that controls pests by nontoxic mechanisms;

32 (4) "Lawn care pesticide" means a pesticide registered by the United
33 States Environmental Protection Agency and labeled pursuant to the
34 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
35 garden and ornamental sites or areas except (A) a microbial pesticide
36 or biochemical pesticide that is registered with the United States
37 Environmental Protection Agency, (B) a horticultural soap or oil that is
38 registered with the United States Environmental Protection Agency
39 and does not contain any synthetic pesticide or synergist, or (C) a
40 pesticide classified by the United States Environmental Protection
41 Agency as an exempt material pursuant to 40 CFR 152.25;

42 (5) "Certified pesticide applicator" means a pesticide applicator with
43 (A) supervisory certification under section 22a-54 of the general
44 statutes, or (B) operational certification under section 22a-54 of the
45 general statutes, who operates under the direct supervision of a
46 pesticide applicator with said supervisory certification;

47 (6) "Controlling authority" means the executive head of the

48 municipal department responsible for the maintenance of a park,
49 playground, other than a playground located on the premises of a
50 school, athletic field or municipal green, or such person's designee.
51 Controlling authority does not include the executive head of any
52 municipal department responsible for the maintenance of any school;
53 and

54 (7) "Athletic field" means any field or open space used for sporting
55 or sporting-related activities, but does not include a golf course or any
56 such field or open space located on the premises of a school or college
57 or that is used for professional sporting or sporting-related activities.

58 (b) No person other than a certified pesticide applicator shall apply
59 pesticide within any park, playground, other than a playground
60 located on the premises of a school, athletic field or municipal green,
61 except a person other than a certified pesticide applicator may make an
62 emergency application of pesticide to eliminate an immediate threat to
63 human health, including, but not limited to, the elimination of
64 mosquitoes, ticks and stinging insects, provided (1) the controlling
65 authority determines such emergency application of pesticide to be
66 necessary, (2) the controlling authority deems it impractical to obtain
67 the services of a certified pesticide applicator, and (3) such emergency
68 application of pesticide does not involve a restricted use pesticide, as
69 defined in section 22a-47 of the general statutes.

70 (c) No person shall apply a lawn care pesticide on the grounds of
71 any park, playground, other than a playground located on the
72 premises of a school, athletic field or municipal green, except: (1) An
73 emergency application of pesticide may be made to eliminate an
74 immediate threat to human health, including, but not limited to, the
75 elimination of mosquitoes, ticks and stinging insects, provided (A) the
76 controlling authority determines such emergency application of
77 pesticide to be necessary, and (B) such emergency application of
78 pesticide does not involve a restricted use pesticide, as defined in
79 section 22a-47 of the general statutes; and (2) an application of a lawn
80 care pesticide may be made on ornamental plants located on a

81 municipal green.

82 (d) Prior to providing for any application of pesticide on the
 83 grounds of any park, playground, other than a playground located on
 84 the premises of a school, athletic field or municipal green, the
 85 controlling authority shall, within the existing budgetary resources
 86 available to the controlling authority, provide public notice of such
 87 application not later than twenty-four hours prior to such application
 88 of pesticide. Such public notice shall be posted on the Internet web site
 89 of the applicable municipality. If a controlling authority determines an
 90 emergency application of pesticide to be necessary pursuant to
 91 subsection (c) of this section, such notice shall be given as soon as
 92 practicable. Notice under this subsection shall include (1) the name of
 93 the active ingredient of the pesticide being applied, (2) the target pest,
 94 (3) the location of the application of pesticide on the grounds of the
 95 park, playground, other than a playground located on the premises of
 96 a school, athletic field or municipal green, and (4) the date or proposed
 97 date of the application of pesticide. A copy of each notice of such
 98 application of pesticide at a park, playground, other than a playground
 99 located on the premises of a school, athletic field or municipal green
 100 shall be maintained by the controlling authority for a period of five
 101 years from the date of application of the pesticide and available to
 102 members of the public.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	10-231a
Sec. 2	<i>October 1, 2015</i>	New section